

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ADVANCE MAGAZINE PUBLISHERS INC.,	:
	:
<i>Plaintiff,</i>	:
	:
v.	:
	:
NAREASHA D. WILLIS, and AVENUE N,	:
LLC,	:
	:
<i>Defendants.</i>	:
	:
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No. 1:18-cv-08912-AKH

Hon. Alvin K. Hellerstein

CONSENT JUDGMENT AND ORDER

WHEREAS, plaintiff Advance Magazine Publishers Inc. (“AMP”) is the owner of numerous valid and subsisting U.S. trademark registrations for the VOGUE trademark, by itself and in conjunction with other wording, including Reg. Nos. 125,542, 504,006, 69,530, 1,666,656, 1,336,659, 3,069,976, 2,701,928, 1,659,761, 4,964,883, 4,964,884, 4,138,408, 2,592,452, 2,835,164, 2,934,621, 3,436,616, 5,159,529, 5,069,495, 4,989,919, 4,459,325, 201,144, 501,515 and many others (collectively, the “VOGUE mark”);

WHEREAS, defendants Nareasha D. Willis and Avenue N, LLC (“Defendants”) have used the term “BLACK VOGUE” in association with various goods and services, including on apparel sold by Defendants, and have filed U.S. trademark applications for the BLACK VOGUE mark with the United States Patent and Trademark Office;

WHEREAS, on September 28, 2018, AMP commenced this action for trademark infringement, unfair competition, and trademark dilution against Defendants, on the grounds that Defendants’ use of the BLACK VOGUE mark violates AMP’s rights with respect to the VOGUE mark;

WHEREAS, AMP and Defendants have agreed to resolve this matter with the entry of the herein Consent Judgment and Order;

NOW, therefore, upon the consent of the parties hereto, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. This Court has jurisdiction over the subject matter of this action and the undersigned parties hereto.

2. Defendants and their officers, directors, agents, servants, employees, attorneys, confederates, related companies, licensees, and all persons acting for, with, by, through and under them, are hereby permanently enjoined from:

- a. using the BLACK VOGUE mark or any other confusingly similar mark, reproduction or colorable imitation of the VOGUE mark, including any such use of the word VOGUE alone or in connection with any other wording, on or in connection with goods or services of any kind;
- b. using the BLACK VOGUE mark or any other confusingly similar mark, reproduction or colorable imitation of the VOGUE mark, including any such use of the word VOGUE alone or in connection with any other wording, as a hashtag, metatag, advertising keyword, username or domain name on or in connection with any Internet website or social media; and
- c. registering or applying to register the BLACK VOGUE mark or any other confusingly similar mark, reproduction or colorable imitation of the VOGUE mark, including any mark containing the word VOGUE alone or in connection with any other wording, in any class.

3. Defendants shall withdraw, abandon and cancel any and all trademark registrations and applications for registration filed by either of Defendants with the United States Patent and

Trademark Office (“USPTO”) for any marks that include the word VOGUE, including all pending trademark applications for the BLACK VOGUE mark.

4. Conditioned upon Defendants’ future compliance with this Consent Judgment and Order, AMP waives any and all damages, profits and any other monetary recovery to which it may otherwise have been entitled in this action, provided, however, that AMP may reopen this action or commence a new action to seek all such damages, profits and/or any other monetary recovery available in this action, without limiting any other rights or remedies AMP may have, upon a showing by AMP that Defendants have violated this Consent Judgment and Order.

5. This action is hereby dismissed with prejudice and without costs or fees to any party, the parties waiving all rights of appeal, except that this Court shall retain jurisdiction to enforce this Consent Judgment and Order. The parties consent to jurisdiction and venue in this Court for any related proceedings.

Dated: June 3, 2020


ENTER:

/s/ Alvin K. Hellerstein
Hon. Alvin K. Hellerstein
United States District Judge

STIPULATED AND AGREED:

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